

20 October 2025

Fast-track Approvals Act wildlife approval report

Section 51(2)(c) wildlife approval report for –
FTAA-2505-1057 Pound Road Industrial Development



Department of
Conservation
Te Papa Atawhai

**Te Kāwanatanga
o Aotearoa**
New Zealand Government

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1.0 Introduction

- 1.1 On 23 July 2025, NTP Development Holdings Limited (NTP/the applicant) lodged a substantive application for Pound Road Industrial Development (the Project) with the Environmental Protection Authority (the EPA). On 13 August 2025 the EPA determined that the application was complete and complied with section 46(2) of the Fast-track Approvals Act 2024 (FTAA/the Act). The application was deemed to not have any competing applications or existing resource consent concerns under section 47 of the Act by the EPA on 26 August 2025.
- 1.2 The application is to develop land for industrial use. The Project site spans 61.4 hectares northwest of Pound Road, east of Barters Road, Christchurch.
- 1.3 As part of the application, NTP is seeking wildlife approval for the salvage of lizards that are absolutely protected under the Wildlife Act 1953. The activity of salvage includes the capture, handling, release and incidental killing of wildlife.
- 1.4 On 27 August 2025, in accordance with section 51(2)(c) of the Act, the Panel Convener directed the EPA to obtain a report prepared by the Director-General of Conservation in accordance with clause 3 of Schedule 7. This report is due to the EPA on 20 October 2025.
- 1.5 This report provides information relating to proposed activities for which the applicant is seeking a wildlife approval.
- 1.6 The Panel Convener has also requested that the Director-General of Conservation file a report pursuant to s 51(1) of the Act advising how the weighting of matters set out in Schedule 7, clause 3 of the Act should be approached, having regard to relevant senior court decisions. This report is attached at **Appendix C**.

2.0 Purpose of the report

- 2.1 This report has been prepared by the Department of Conservation (DOC) on behalf of the Director-General of Conservation and provides commentary to support the Panel's assessment of the application for a wildlife approval. The content of this report has been informed by DOC's technical experts and information from Treaty partners, where available.
- 2.2 In accordance with clause 3 of Schedule 7, this report must address the following matters:
 - The purpose of the Wildlife Act 1953 and the effects of the Project on the protected wildlife that is to be covered by the approval.
 - Information and requirements relating to the protected wildlife that is to be covered by the approval (including, as the case may be, in the New Zealand Threat Classification System or any relevant international conservation agreement).
 - Any conditions that should be imposed to manage the effects of the activity on protected wildlife.
 - Any conditions that should be imposed to recognise or protect a relevant Treaty settlement and any obligations arising under the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

3.0 Overview of DOC's report

- 3.1 DOC's assessment concludes that, subject to recommended conditions, the proposed activities are broadly consistent with the purpose of the Wildlife Act. The amended Lizard Management Plan (LMP) (dated 8 October 2025) includes appropriate methodologies for salvage and relocation, identifies suitable release sites, and proposes habitat enhancement measures.
- 3.2 However, DOC recommends that consideration is given to the following matters:
- The applicant did not apply for marking lizards, however, refers to it in section 10 of the LMP as part of their post-release monitoring. DOC supports the proposed marking as a monitoring method and recommends the Panel consider this activity when making a decision. Marking protected wildlife without authorisation is an offence under the Wildlife Act.
 - The lizard relocation habitat landscape design appended to the LMP should be updated by the applicant to apply to the new release sites, rather than the previously proposed Templeton Golf Club.

4.0 Sources

- 4.1 This report draws on information from the substantive application and additional information that the applicant has provided post-lodgement.
- 4.2 DOC and NTP have engaged collaboratively following lodgement of the substantive application in line with the Panel Convener's recommendation to work together on resolving issues and conditions. This has led to NTP providing a revised Lizard Management Plan (LMP) to DOC on 8 October 2025 (**Appendix D**). Compared to the LMP lodged with the application, the revised LMP provides information on timing of lizard salvage and proposes new release sites that have long-term protection.
- 4.3 The assessment and all references in this report to the LMP and conditions are based on the revised LMP (dated 8 October 2025) unless stated otherwise.
- 4.4 The assessment in this report is informed by expert advice from a contracted herpetologist, Jacqui Wairepo. Jacqui's credentials are provided in **Appendix B**.

5.0 Context and background

5.1 Project overview

- 5.1.1 The Pound Road Industrial Development project is a proposed subdivision and industrial development across approximately 61.4 ha. The proposal includes approximately 50 lots ranging between 2,000 square metres and 1.5 hectares and comprising approximately 84 lots across the full site.
- 5.1.2 NTP Development Holdings Limited is applying for resource consent and wildlife approval under the FTAA.

5.2 Summary of wildlife approval sought

- 5.2.1 The applicant seeks a wildlife approval (under s 42(4)(h) of the Act) to handle and relocate indigenous lizards that may be otherwise adversely affected by works associated by the Project. The AEE states that wildlife approval is sought for “disturbing native lizard habitat and for the capture and relocation of any native lizards”.¹ The applicant has also confirmed to DOC by way of email dated 10 October 2025 that it is seeking approval for the incidental killing of wildlife that may not be successfully salvaged. As noted above in 3.2, the activity of marking lizards (as proposed as part of monitoring) also requires approval.
- 5.2.2 Site assessments and effects on lizards are detailed in the applicant’s Assessment of Ecological Effects (AEE). Details of the applicant’s proposed lizard management is provided in a Lizard Management Plan (LMP) prepared by Wildlands, the most recent version of which was provided to DOC on 8 October 2025.
- 5.2.3 The LMP details the methods proposed for capture and relocation of southern grass skinks prior to or during development works. The effects as described in the AEE and lizard management actions as described in the LMP are summarised as follows.

Lizard presence

- 5.2.4 The area is predominantly covered in pasture and cropland, which is intersected and bordered by shelter belts and hedgerows.
- 5.2.5 A desktop assessment identified six lizard species recorded within 20 km of the site. A lizard survey was undertaken which confirmed the presence of southern grass skink (Table 1). Other species identified in the desktop assessment were not considered likely to occur within the project footprint due to the location or habitat. The LMP therefore only focuses on the southern grass skink.

Table 1. Species identified as present at the Project site.

Common Names	Species	Conservation Status
Southern grass skink	<i>Oligosoma</i> aff. <i>polychroma</i> Clade 5	At Risk – Declining

- 5.2.6 Table 5 of the LMP sets out the estimated number of lizards at each property, totalling 650 lizards across the four stages of the development.

Effects

- 5.2.7 The potential impacts on the species are set out in Section 7.4 of the AEE, including:
- Accidental injury/death/displacement – more than minor without mitigation,
 - Disturbance during earthworks – more than minor without mitigation,
 - Habitat loss and fragmentation – minor without mitigation, and
 - Breeding failure/behavioural effects – less than minor without mitigation.

¹ Paragraph 69 of application document – Fast-Track Approval Pound Rd Industrial AEE FINAL, Novo Group Ltd.

Lizard management

- 5.2.8 The LMP states that avoidance of lizards and their habitats is not possible, since the entire site will be subject to earthworks and small areas of lizard habitat can be found across the site.
- 5.2.9 To minimise effects on lizards, the applicant proposes to maintain existing land use practices across the site. Areas currently used for grazing or cropping, which are unsuitable as lizard habitat, will continue to be managed in the same way before and during development. This approach aims to prevent lizards from dispersing into new areas that are not currently recognised as lizard habitat.
- 5.2.10 The primary lizard management tool is lizard salvage. A salvage and relocation programme will be implemented within confirmed and potential lizard habitats where vegetation removal is intended to occur.
- 5.2.11 All lizards will be trapped using live capture traps (pitfall traps and funnel traps) and hand-searching techniques. Salvage effort will be higher in areas with confirmed lizard habitat than those of potential lizard habitat.
- 5.2.12 Two salvage release sites have been identified, which are situated on Environment Canterbury (ECan/Canterbury Regional Council) land and are between 12 and 15 km from Pound Road.
- 5.2.13 The first site, Weedons Ross Road, is an enhanced site which has previously been used for release by developers, but the LMP states still has capacity for additional skinks. The LMP proposes to increase capacity through the construction of a rabbit-proof fence and limited predator control. With these additional enhancements, the LMP states that the Weedons Ross Road reserve has capacity to take between 230-460 skinks before reaching a capacity that is appropriate for natural population increase.
- 5.2.14 The second site, Kōwhai Grove, is a smaller kōwhai remnant, with a low-density/absent skink population. Enhancement of the site through predator control, planting and rock piles is proposed to allow for populations to establish and naturally increase over time. The LMP states that release of at least 200 individual skinks could be undertaken if 20 rock piles are established within the reserve.
- 5.2.15 The LMP contains contingency plans and accidental discovery protocols in the case that other species or more lizards than expected are discovered, the release site is not viable in the long term, or the predator control regime is found to be ineffective.
- 5.2.16 Post-release monitoring is proposed to ensure population persistence at the release sites, ensure survival of enhancement plantings at Kōwhai Grove, and reduce mammalian pest presence within release sites. Monitoring of lizards using mark-recapture surveys is proposed for five years post-release, or longer if capture rates decline, to determine if management interventions are required.
- 5.2.17 The proposed term was clarified by way of email to DOC from the applicant on 10 October 2025 as being seven years, “based on the schedule/timing for works, and monitoring. The term should cover the monitoring, which is for five years following release – so that would be five years after 2026/27 season salvage, and allow for contingency”.
- 5.2.18 The LMP names ecologists proposed to undertake the lizard management. The proposed Project Herpetologist is Samantha King (Wildland Consultants Ltd, Senior Ecologist and Herpetologist), with Cameron Thorp (Wildlands Consultants Ltd, Herpetologist), Jade Christiansen (Wildland Consultants Ltd, Herpetologist), and Anna Meban (Wildland Consultants Ltd, Ecologist) assisting with implementing lizard management at the site.

6.0 Matters considered in relation to the criteria for a wildlife approval

6.1 Statutory context

- 6.1.1 Clause 1 of Schedule 7 of the Act defines “wildlife approval” as “a lawful authority for an act or omission that would otherwise be an offence under any of sections 58(1), 63(1), 63A, 64, 65(1)(f), 70G(1), 70P, and 70T(2) of the Wildlife Act 1953”.
- 6.1.2 Capture, killing and liberating native lizards without lawful authority are all offences under the Wildlife Act:
- Sections 63(1) and 70G(1) make it an offence to “hunt or kill” (the definition of which includes related activities such as “taking”, “capturing” and “disturbing”) protected wildlife without lawful authority. This also includes killing that is incidental, which is that which is not directly intended but is unavoidable and foreseeable as a consequence of carrying out an otherwise lawful activity (s 53A).
 - Sections 65(1)(f) and s 70P provide that it is an offence to do anything for which an authority is required under the Wildlife Act or any regulations under that Act.
 - Section 56 establishes that no person may liberate; or capture or attempt to capture or have in their possession for the purpose of liberating, wildlife without the prior written authority of the D-G.
 - Regulation 38 of the Wildlife Regulations 1955 establishes that wildlife must not be marked without prior written authority of the D-G.
- 6.1.3 The activities proposed (capturing, disturbing, releasing, marking and killing wildlife) can be considered for wildlife approval under the FTAA. A wildlife approval granted under the Act is treated as if it were granted under the Wildlife Act (Schedule 7, clause 7(1)). Note that while the applicant hasn’t explicitly sought approval for marking, it is proposed in the LMP and it does require approval under the Wildlife Act.

6.2 Purpose of the Wildlife Act

- 6.2.1 The relevant purpose of the Wildlife Act is to protect wildlife.
- 6.2.2 Where removal of lizard habitat is undertaken, lizard salvage will protect, to some extent, lizards that would otherwise be harmed by works (e.g. vegetation clearance) associated with the Project. However, salvage comes with risks. Salvage only protects those animals that are captured. Despite best practice methods, it is unlikely all affected animals will be captured. For those that are captured, successful establishment and survival at the release site is not guaranteed.
- 6.2.3 DOC has developed key principles for lizard salvage and transfer in New Zealand, which are relevant to consider when assessing whether a lizard salvage proposal will adequately protect lizards². The key principles, discussed in this report where applicable, include:

² Key principles for lizard salvage and transfer in New Zealand

- Lizard species' values and site significance must be assessed at both the impact (development) and receiving sites.
 - Actual and potential development-related effects and their significance must be assessed.
 - Alternatives to moving lizards must be considered.
 - Threatened lizard species require more careful consideration than less-threatened species.
 - Lizard salvage, transfer and release must use the best available methodology.
 - Receiving sites and their carrying capacities must be suitable in the long term.
 - Monitoring is required to evaluate the salvage operation.
 - Reporting is required to communicate outcomes of salvage operations and facilitate process improvements.
 - Contingency actions are required when lizard salvage and transfer activities fail.
- 6.2.4 The LMP sets out actions that are intended to protect lizard populations inhabiting the site via salvage and habitat enhancement.
- 6.2.5 In assessing the application against the purpose of the Wildlife Act, it is relevant to consider protection at both the individual level (e.g. minimising impacts, safe capture and handling) and population level (e.g. taking into account benefits offered by habitat enhancement etc).
- 6.2.6 Key points relevant to this application are discussed below, and associated recommended conditions are provided in **Appendix A**.

Species

- 6.2.7 DOC considers that the applicant's baseline survey was robust, despite being undertaken at the very end of the approved lizard season when lizards are active, and that it is appropriate that the approval is for southern skinks only with contingency protocols to stop works and notify DOC if additional lizard species are encountered, as stated in the LMP.

Best practice methods

- 6.2.8 DOC considers that the methodology proposed in the LMP is appropriate. Standard Departmental conditions are recommended to ensure best practice capture and handling – e.g. seasonal timeframes (to ensure lizards aren't handled during months they are dormant and are less likely to be found and salvaged); best practice methods are used for live trapping, handling and transport; and the relocation site is appropriately established and monitored.

Competencies

- 6.2.9 It is important that lizard management is led by an ecologist who is suitably experienced to ensure that the LMP is implemented to the necessary standards and lizard welfare is safely managed during capture, handling, transport and release.
- 6.2.10 Information on the proposed ecologists' background and experience has not been provided with the application. However, the proposed Project Herpetologist, Samantha King, has led a number of lizard salvage activities under Wildlife Act authorities, and has been assessed previously by DOC as having the appropriate experience and expertise to be the lead ecologist. Cameron Thorp and Jade Christiansen are also known to be sufficiently experienced. DOC does not have supporting information to confirm that Anna Meban

is suitably experienced, so recommends a condition that Anna handles lizards under direct supervision of Samantha, Cameron or Jade.

Release site suitability and enhancement

- 6.2.11 Release sites should be protected from future development, have predators controlled, have appropriate vegetation, and contain adequate refugia.
- 6.2.12 Both release sites, Weedon Ross Road and Kōwhai Grove, have long-term protection as council reserves. The sites have differing carrying capacities and habitat enhancement requirements, as detailed in the LMP. DOC is satisfied that the proposed mammalian pest control, planting of lizard-friendly plants, and installation of rock piles will support the expected population of salvaged southern grass skinks. The LMP includes appropriate contingency actions for if more lizards than expected are salvaged.
- 6.2.13 However, DOC notes that the lizard relocation habitat landscape design attached to the LMP as Appendix 2 requires updating so that it relates to Kōwhai Grove rather than the previously proposed release site of Templeton Golf Club. DOC recommends that the panel requests a final LMP with a lizard relocation habitat design which has been updated since the change in release sites.

Monitoring and reporting

- 6.2.14 The LMP describes monitoring of lizard establishment, pest animal suppression and planting establishment with key objectives identified to determine whether salvage and restoration efforts have been successful. The proposed monitoring approach has an appropriate level of flexibility and adaptability to respond to salvage outcomes and ensure that the intended objectives and benefits are appropriately balanced against any adverse impacts.

Term

- 6.2.15 DOC considers a term of seven years is appropriate, to allow for the salvage operation and five years of post-release monitoring.

Incidental killing and overall wildlife protection

- 6.2.16 The LMP identifies mortality as a potential effect of the Project and proposes actions to minimise death or injury. The applicant has confirmed by email dated 10 October that it is seeking approval for incidental killing, acknowledging that the proposed methods won't capture all the lizards present but a high proportion of them.
- 6.2.17 DOC takes the view that, in general, the proposed lizard management actions are aligned with the Wildlife Act's purpose of wildlife protection. Subject to recommended conditions being imposed and complied with, there may be a net benefit for the lizard population, even if there are some incidental deaths.
- 6.2.18 Conversely, without appropriate conditions (such as proposed in this report), protected lizards may be harmed, and accordingly the grant of a wildlife approval may not be consistent with the purpose of the Wildlife Act.

6.3 Information and requirements relating to protected wildlife

- 6.3.1 The threat status of species identified in the LMP that may be present in the area are provided in Table 1.
- 6.3.2 Southern grass skink (At Risk – Declining) is common in the Canterbury and Otago regions, where it is a generalist and tolerates a range of habitats including coastal dune habitat, wetlands, grassland, shrublands, rocky shrubland, screes, tussock, stony river beds, and modified environments such as agricultural areas and even cities.

6.4 The role of species management plans

- 6.4.1 Wildlife Act approvals for wildlife salvage typically include approval of a species management plan as part of the process. That is, an applicant provides a species management plan with their application, detailing proposed actions. The detail in the species management plan informs the assessment against the purpose of the Wildlife Act and, if the application is approved, the Wildlife Act authorisation is conditional on compliance with the approved plan.

6.5 Conditions to manage effects on protected wildlife

- 6.5.1 The applicant has not suggested specific conditions for the wildlife approval. DOC has recommended a set of conditions aligned with best practice. Recommended conditions are in **Appendix A**.
- 6.5.2 This recommendation includes consideration of section 83 of the Act – DOC considers that each condition would not be more onerous than necessary to address the reason for which it is set.

7.0 Consultation

7.1 Pre-lodgement

- 7.1.1 The applicant engaged with DOC in June and July 2025. DOC provided feedback on the draft Lizard Management Plan on 9 July 2025. This feedback has been included in the substantive application.
- 7.1.2 In summary, the feedback included:
- The lizard survey and corresponding management plan provided a high level of effort, consideration and detail that are consistent with the expectations and requirements of DOC's guidelines for this type of specialised ecological work. The baseline survey was robust, despite being undertaken at the very end of the approved season.
 - Key information gaps were identified, including that Templeton Golf Club was proposed as a release site but its suitability remained uncertain pending a baseline survey. Three alternative release sites were listed but lacked sufficient detail to assess their suitability.

7.2 Post-lodgement

- 7.2.1 Post-lodgement of the substantive application, DOC and the applicant have engaged collaboratively to work through outstanding issues with the lizard management plan, primarily the identification of suitable release site(s). DOC had been made aware that the Templeton Golf Course was no longer viable as a release site.

7.2.2 Some brief information regarding new release sites was provided via email on 6 October 2025 followed by a Revised LMP on 8 October 2025.

7.2.3 This revised LMP included further information on the new release sites.

8.0 Additional information

8.1 International Conservation Agreements

8.1.1 The following international agreements are relevant to the consideration of the approval sought:

The United Nations Convention on Biological Diversity (CBD)

8.1.2 New Zealand became a signatory to the United Nations Convention on Biological Diversity (CBD) in 1992. The CBD is an international agreement that promotes the development of global targets, national strategies and action plans by countries for the protection, restoration and sustainable use of biodiversity.

8.1.3 As a party to the CBD, New Zealand is required to have a national biodiversity strategy and action plan. Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020 sets out New Zealand's contribution to reversing the loss of biodiversity worldwide.

8.1.4 Key objectives of the strategy that are relevant to this application include:

- *Biodiversity protection is at the heart of economic activity.*
- *Natural resources are managed sustainably.*
- *Management ensures that biological threats and pressures are reduced through management.*
- *Ecosystems and species are protected, restored, resilient, and connected from mountain tops to ocean depths.*

8.1.5 The application from NTP seeks to develop modified land and to salvage and relocate resident lizards. The proposal to salvage lizards and enhance lizard habitats at the relocation sites will contribute to protection of biodiversity.

International Union for Conservation of Nature (IUCN)

8.1.6 The IUCN is a globally recognised conservation body and New Zealand's membership (since 1948) reflects its commitment to biodiversity and ecosystem protection. While the IUCN is not a treaty-level agreement, New Zealand's contributions to the IUCN's Contributions for Nature platform and its alignment with global biodiversity targets (e.g. the Kunming-Montreal Global Biodiversity Framework) reflect a strong public commitment to species recovery and habitat protection.

8.1.7 The IUCN Red List status of the southern grass skink is 'Least Concern (stable)'.

8.2 Consistency with statutory planning documents and policy

8.2.1 The following statutory planning documents and associated policies are recommended to be considered alongside the wildlife approval sought by this Project.

Conservation General Policy 2005

- 8.2.2 The Conservation General Policy 2005 (CGP), approved by the Minister of Conservation, provides guidance for the administration and management of lands and waters and natural and historic resources managed under conservation legislation including the Wildlife Act.
- 8.2.3 The CGP does not contain policies specific to the proposed wildlife activities. However, the following provisions are relevant:
- *11.1(a) Any application for a concession or other authorisation will comply with, or be consistent with, the objectives of the relevant Act, the statutory purposes for which the place is held, and any conservation management strategy or plan.*
 - *11.1(c) The Department and all concession and other authorisation holders should monitor the effects of authorised activities on natural resources, historical and cultural heritage, and the benefit and enjoyment of the public, including public access, to inform future management decisions.*
- 8.2.4 The application is not inconsistent with these provisions.

Canterbury (Waitaha) Conservation Management Strategy 2016

- 8.2.5 The Canterbury (Waitaha) Conservation Management Strategy 2016 (CMS), approved by the New Zealand Conservation Authority, describes the conservation values present in the Canterbury region and provides guidance for the Department's work in the form of a vision, objectives, outcomes for places, policies and milestones.
- 8.2.6 The proposed site is located within the Christchurch City/Ōtautahi Place (section 2.7). The application is not inconsistent with the outcomes or policies for this Place.
- 8.2.7 The application is not inconsistent with the objectives, outcomes, or policies of the CMS, particularly the provisions relating to authorisations (general) in section 3.1 of the CMS.

8.3 Commentary on information required for a wildlife approval

- 8.3.1 DOC raised the following issues with the substantive application in its feedback on completeness dated 31 July 2025:
- *Wildlife approval – Section f: The release site has been identified but approval from the landowner is yet to be granted (Christchurch City Council). The LMP will not be able to be implemented without an approved release site. Lizard surveys are also yet to be undertaken at the release site (planned for spring 2025). Further details of the three additional release sites are still required. Such as what is required for habitat enhancement and how many additional lizards each site could take.*
 - *Wildlife approval – Section h: Maps of release sites have not been provided.*
 - *Wildlife approval – Section k: Information needed on how resident lizards at the release site will be protected from impacts (disturbance and habitat reduction) associated with pest plant management.*
- 8.3.2 These issues have been resolved in the most recent version of the LMP provided to DOC on 8 October 2025, which identifies two new release sites.

9.0 Treaty of Waitangi settlement considerations and obligations

9.1 Treaty of Waitangi settlement obligations

- 9.1.1 Under section 7 of the Act the Panel must act in a manner that is consistent with obligations arising under existing Treaty Settlements.
- 9.1.2 The Ministry for the Environment (MFE) provided a report which sets out the section 18 matters it considered relevant to the application. DOC was not consulted by MFE on this report.
- 9.1.3 DOC has read the section 18 report and agrees that the primary matter for consideration by the Panel as relevant to the wildlife approval is cooperation with Ngāi Tahu per the Ngāi Tahu Claims Settlement Act 1998. DOC notes that the affected lizard species are not listed in Schedule 97 as taonga species, although they may still have significance to Ngāi Tahu.

9.2 Treaty of Waitangi principles

- 9.2.1 DOC's work in preparing this report has been carried out in a manner that, as far as possible, gives effect to the principles of the Treaty of Waitangi³ (arising from the obligation on DOC from section 4 of the Conservation Act). The principles most applicable to DOC's role are:
- **Partnership** – mutual good faith and reasonableness.
 - **Informed decision-making** - Both the Crown and Māori need to be well informed of the other's interests and views. Consultation is a means to achieve informed decision-making.
 - **Active protection** - requires informed decision-making and judgement as to what is reasonable in the circumstances.
 - **Redress** – requires recognition of existing rights and interests.
- 9.2.2 For this application, this has included:
- notifying Treaty partners of the application. We note this has occurred within the context of the fast-track process with prescribed timeframes, and where the applicant has an obligation to consult and Treaty partners have a right to be invited to comment. The scope of engagement also recognised DOC's role to provide reports and comments on the application, and not in its usual role as decision-maker.
 - identifying for the Panel any relevant information from Protocols or relationship agreements prepared in accordance with Settlements (e.g. taonga species).
 - ensuring that the information in this report is informed by any information from Treaty partners and the impact the activity would have on their interests.
- 9.2.3 DOC has advised Te Ngāi Tūāhuriri Rūnanga, hapū of Ngāi Tahu, of the application, sharing relevant publicly available information. DOC notes that affected Māori entities will be invited by the Panel to provide comments on the application.
- 9.2.4 The applicant has attached evidence of consultation with Te Rūnanga o Ngāi Tahu and Ngāi Tūāhuriri to the substantive application. Whitiōra Centre Limited (Whitiōra), mandated by Ngāi Tūāhuriri Rūnanga to act on its behalf in matters of environmental policy and planning, has prepared a statement in response to the applicant's invitation for feedback. The statement is generally in support of the applicant's proposal to manage effects on indigenous flora and fauna, including lizard

³ [Principles of the Treaty of Waitangi and DOC: Apply for permits](#)

relocation in accordance with a Lizard Management Plan, although comments do relate to the previous proposal to release lizards at Templeton Golf Club.

- 9.2.5 DOC has not identified any additional specific conditions that should be imposed in accordance with section 84 to achieve consistency with Treaty principles.

Appendix A: Conditions

The applicant has not proposed conditions for the wildlife approval. DOC has proposed conditions below in line with a typical wildlife approval of this type under the Wildlife Act. If these conditions are accepted, DOC would be satisfied that the approval would be in line with the purpose of the Wildlife Act and provide for the protection of absolutely protected wildlife.

The Director-General notes that “defined terms” used in these proposed conditions may need to be amended to align with other terms defined elsewhere in the relevant decision document of the Panel. Given the revised Lizard Management Plan (dated 8 October) supplied by the applicant (Appendix D), the Director-General considers it would be appropriate for the Panel to condition the wildlife approval based on that management plan, rather than requiring further Director-General certification post-approval. We consider this option would most align with the procedural principles in section 10 of the FTAA.

Condition proposed by DOC	DOC comments
Wildlife Approval Conditions - General	
The Approval Holder must comply with Lizard Management Plan dated [date of final LMP] that is annexed to this Approval, including but not limited to by implementing all actions set out in management of effects section of the LMP to ensure adequate mitigation of effects has been achieved.	Condition recommended that the LMP is attached as a condition of the approval, with the key part of the LMP emphasised.
The wildlife approval is for the capture, handling, release, marking and incidental killing of southern grass skinks, <i>Oligosoma</i> aff. <i>polychroma</i> Clade 5, provided that best efforts are taken to avoid incidental deaths in accordance with the LMP.	DOC considers that the LMP is appropriate for the confirmed population of southern grass skinks only. DOC acknowledges that incidental killing is a foreseeable possibility despite best efforts in accordance with the LMP to avoid lizard deaths.
This wildlife approval is valid for 7 years from the date of approval.	Condition recommended in line with the applicant's schedule/timing for works and to allow for up to five years of post-release monitoring.
Lizard capture and handling	
Lizards may only be handled by those people named in the Lizard Management Plan, or by others under the direct supervision of Samantha King, Cameron Thorp or Jade Christiansen. Lizards may be handled by Anna Meban only under the direct supervision of Samantha King, Cameron Thorp or Jade Christiansen.	Samantha King has been assessed by DOC as suitably experienced to safely handle lizards and oversee the lizard management. Cameron Thorp and Jade Christiansen are also known to be sufficiently experienced. DOC does not have supporting information to confirm that Anna Meban is suitably experienced, so recommends

	a condition that Anna handles lizards only under direct supervision.
Lizard capture, handling and relocation must only be undertaken between 1 October and 30 April when lizards are most active.	Standard condition to minimise the chances of harm to lizards that may be in torpor, in line with best practice methods.
Capture and handling methods must involve only techniques that minimise the risk of infection or injury to the animal and must follow those described in the Herpetofauna inventory and monitoring toolbox http://www.doc.govt.nz/our-work/biodiversity-inventory-and-monitoring/herpetofauna/ .	Standard condition to minimise the chances of harm to lizards, in line with best practice methods.
Incidental Discovery	
The DOC Operations Manager for Mahaanui must be contacted immediately (mahaanui@doc.govt.nz) for further advice if lizard species other than southern grass skinks are located within the footprint of the development or within the release site.	Standard lizard condition to ensure incidental discovery reporting.
Death of wildlife associated with salvage activities	
If any lizards die during the approved activities of catch, transfer, mark or liberate, the Approval Holder must: inform the Mahaanui DOC Operations Manager (mahaanui@doc.govt.nz) within 48 hours, chill the body if it can be delivered within 72 hours, or freeze the body if delivery will take longer than 72 hours; and send the body to Massey University Wildlife Post Mortem Service for necropsy OR as otherwise advised by the Auckland DOC Operations Manager, along with details of the animal's history; and pay for any costs incurred in investigation of the death of any lizard; and if required by the DOC Mahaanui Operations Manager, cease the Authorised Activity for a period determined by the DOC Operations Manager. For the avoidance of doubt, this condition applies to lizard deaths that are associated with salvage activities and does not apply to incidental deaths that occur during lawful activities. The purpose of the above clause is to ensure the methodologies	Standard lizard condition to ensure reporting and management of lizard deaths as a result of the approved activity. Standard lizard condition to ensure reporting and management of lizard deaths as a result of the approved activity.

and practices for catch, transfer, and liberate are functioning successfully and to require investigation in the event that deaths occur during salvage activities.	
Euthanasia	
If any lizards are found injured, the Project Herpetologist must be contacted to get advice on management of the lizard. Injured lizard(s) may be euthanised on recommendation of the Project Herpetologist or a veterinarian.	Standard condition recommended, to enable euthanasia if necessary.
Reporting	
A report summarising lizard salvage and relocation activities must be prepared and submitted to DOC (mahaanui@doc.govt.nz and permissionshamilton@doc.govt.nz) within 30 days from the completion date of the salvage. Specifically, this report is to include: Details and Results of lizard salvage and relocation work. Should native lizards be found, then the following also is to be included in the report: Photos of lizard salvage methods utilised; Photos of lizards captured (including photos of the salvage and relocation areas); and, A map showing the location of each lizard upon capture and upon release, and The species and number of any lizards detected, captured, and released, and The results of all surveys and monitoring. Descriptions of how lizard management activities outlined in the LMP were followed, including conditions detailed in the Approval and associated resource consent conditions; An Amphibian and Reptile Distribution Scheme (ARDS) card detailing information relating to captured lizards (also to be provided to herpetofauna@doc.govt.nz); and, A brief summary regarding the implementation and outcomes of the LMP, including any improvements/changes that should be considered in future.	Reporting requirements tailored to lizards recommended to ensure relevant information is received.

For the life of the wildlife approval, the Approval Holder must provide annual reports on the following activities at the release site(s): Pest plant removal Photo record of lizard habitat development Success of the lizard habitat planting, including but not limited to, numbers and species planted, annual survival of planting, number/species of plants replaced. Success of the pest mammal control. Number, location, and size of rock piles constructed.	To ensure ongoing monitoring and reporting on habitat enhancement at receiving site(s).
Variations	
The Approval Holder may apply to the Director-General of Conservation for variations to this Approval in accordance with clause 7(2) of Schedule 7 of the Fast-track Approvals Act 2024.	Mechanical clause recommended to allow future management of the approval.
Costs	
The Approval Holder must pay the Department of Conservation's standard charge-out rates for any staff time and mileage required to monitor compliance with this Approval and to investigate any alleged breaches of the terms and conditions of it.	As above
Compliance with Legislation and Director-General's Notices and Directions	
NTP Development Holdings Limited must comply with all notices, directions, and requisitions of the Director-General and any competent authority relating to the exercise of the Approval.	As above
Employees, Contractors, or Agents	
NTP Development Holdings Limited is responsible for the acts and omissions of its employees, contractors, and agents.	As above
NTP Development Holdings Limited is liable under this Approval for any breach of its terms by employees, contractors, or agents, as if the breach were committed by NTP Development Holdings Limited.	As above
Where obligations bind more than one person, those obligations bind those persons jointly and separately.	As above

Appendix B: Expert credentials

Jacqui Wairepo: Herpetology Profile

Jacqui Wairepo is an experienced herpetologist, having worked with indigenous lizards since 2010, and holds a Master's Degree in Conservation Biology (1st Class Hons) in lizard-based research. Jacqui has worked as a specialist herpetologist since 2016 when she was employed by Wildland Consultants and was responsible for all aspects of lizard management and research throughout the North Island, including numerous South Island based projects. Jacqui has been a Northland-based independent wildlife and herpetological specialist since late 2021. Jacqui is experienced in the conservation management and/or ecological requirements of a high proportion of Not Threatened and At-Risk lizard species (and several Threatened species) throughout the North and South Islands.

Jacqui is known to all members of DOC's national lizard TAG (Technical Advisory Group) and has been a named authority on numerous Wildlife Act Authority permits since 2016. Jacqui's experience with herpetofauna includes all aspects of survey, salvage, translocation and population management for a wide range of skink and gecko species throughout New Zealand. Jacqui has also led and been involved with numerous surveys for Hochstetter's frogs throughout Auckland and Northland. During her years as a Consultant Jacqui has worked on national infrastructure and large-scale development projects for roading, wind farms, solar farms, dams and rural developments. Jacqui has prepared and implemented Lizard Management Plans for projects throughout the country both small and large-scale, as well as preparing evidence for multiple hearings for nationally significant infrastructure projects. Jacqui has been a SRARNZ member since 2013 and also sits on the SRARNZ Committee and serves as the SRARNZ Secretary. Jacqui is also a member of the New Zealand Ecological Society.

Appendix C: Weighting of relevant matters to be taken into account

Introduction

1. This report responds to the Panel Convener's Minute dated 4 June 2025, directing the Director-General to "file a report advising how weighting of matters set out in Schedule 7, clause 3 of the Act should be approached, having regard to relevant senior court decisions".
2. The Minute refers to the matters set out in Schedule 7, clause 3 of the FTAA (wildlife approval) which the FTAA directs must be addressed by the Director-General's s 51(2) reports.⁴

Weighting generally

3. Generally, the weighting to be accorded to relevant considerations by a statutory decision maker is for that decision maker to determine.⁵ However, where a statute directs the weight to be given to a matter, that direction must be given effect to.⁶
4. The senior courts have recognised that apparently disproportionate, inadequate or undue weight attached to a relevant factor can lead to judicial consideration of whether the weighting applied was within the limits of reason, and hence, whether the ultimate decision was unreasonable in an administrative law sense. A court may set aside an administrative decision which has failed to give adequate weight to a relevant factor of great importance, or which has given excessive weight to a relevant factor of no great importance.⁷
5. Accordingly, mandatory relevant considerations must be given genuine consideration and weighting by statutory decision makers.

Weighting under the Fast-track Approvals Act 2024

6. The Schedules to the FTAA list mandatory considerations that decision-making Panels must take into account, when determining applications for the various approvals that can be granted under the Act.⁸
7. The only directive regarding weighting contained in the FTAA, is that the "greatest weight" is to be given to the purpose of the FTAA.⁹
8. While described in the FTAA as "criteria",¹⁰ the mandatory matters to be taken into account can be described as "factors", in the sense that they are matters to be assessed on the basis of their qualities,

⁴ The schedule clauses referenced in the Minute excludes consideration of the purpose of the FTAA from the ambit of the request. However, in order to respond to the Panel Convener's request in relation to consideration of weighting, it is necessary to refer to the purpose of the FTAA given the statutory directive that this consideration be given "the greatest weight" relative to other mandatory considerations (i.e. relative to the matters that must be addressed by the Director General's s 51 reports). This advice has therefore been prepared on that basis.

⁵ See, for example *Huakina Development Trust v Waikato Valley Authority* [1987] 2 NZLR (HC) 188 at 223: The weight to be given to the evidence in the balancing exercise ... is a matter for the primary tribunal and the Planning Tribunal on appeal.

⁶ *Quarantine Waste (New Zealand) Ltd v Waste Resources Ltd* [1994] NZRMA 529 (HC) at 540: "Unless the statute otherwise directs, the weight to be given to particular relevant matters is one for the consent authority, not the Court, to determine."

⁷ See, for example *Thames Valley Electric Power Board v NZFP Pulp and Paper Ltd* [1994] LGHNZ 17 (CA).

⁸ See Schedule 7, Clause 5 (wildlife approval).

⁹ This directive occurs multiple times in the FTAA, including at Schedule 7, Clause 5 (wildlife approval).

¹⁰ This is the terminology used in the titles for each of the relevant clauses listed in fn 5.

rather than quantities. They establish the foundation for assessment rather than the outcome of it.¹¹ Accordingly, the criteria, or factors, are not tick-boxes to be crossed off a list but are matters that must be qualitatively assessed.

9. The FTAA does not direct how much relative weight should be given to, or between, relevant matters other than the purpose of the FTAA. Nor does the FTAA specify how much greater weight should be accorded to its purpose relative to other mandatory considerations. It may be the case that some of the factors listed in the relevant clauses may be found to have no relevance. Consequently, that factor will have no weight accorded to it in the balancing exercise.
10. While the purpose of the FTAA is to be given the greatest weight, the purpose of the FTAA does not automatically outweigh all other considerations. By listing other considerations besides the purpose of the FTAA, it is implicit that weight be attached to them, and that they should receive genuine consideration where relevant.¹²
11. Accordingly, while the greatest weight is to be accorded to the purpose of the FTAA, it does not follow that when qualitatively assessed, the regional or national benefits of a project must necessarily outweigh other considerations, in combination or in isolation, such as the adverse environmental effects of a project. The extent of regional or national benefits will vary between projects. Also, adverse effects will vary between projects in nature and severity. Each factor must be qualitatively assessed and those assessments weighed. Where they pull in different directions, they must be weighed against each other.
12. The issue of legislatively directed weighting was considered by the Court of Appeal in *Enterprise Miramar Peninsula Inc v Wellington City Council*,¹³ when considering the application of s 34 the Housing Accords and Special Housing Areas Act 2013 (HASHAA). Section 34 provides:

34 Consideration of applications

- (1) An authorised agency, when considering an application for a resource consent under this Act and any submissions received on that application, must have regard to the following matters, giving weight to them (greater to lesser) in the order listed:
 - (a) the purpose of this Act;
 - (b) the matters in Part 2 of the Resource Management Act 1991;
 - (c) any relevant proposed plan;
 - (d) the other matters that would arise for consideration under—
 - (i) sections 104 to 104F of the Resource Management Act 1991, were the application being assessed under that Act;
 - (ii) any other relevant enactment (such as the Waitakere Ranges Heritage Area Act 2008);
 - (e) the key urban design qualities expressed in the Ministry for the Environment's *New Zealand Urban Design Protocol (2005)* and any subsequent editions of that document.

¹¹ *Western Bay of Plenty District Council v Bay of Plenty Regional Council* [2017] NZEnvC 147, at [117]-[118].

¹² See also s 85(3)(b) of the FTAA which provides for the decline of a FTAA application if the adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered.

¹³ *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541.

13. The Court held that all the listed matters must first be individually assessed prior to the exercise of weighing them in accordance with the prescribed hierarchy (in that case, the listed matters in subsection (1)(b)–(e) could not properly be weighed alongside the purpose of HASHAA under subs (1)(a) if that purpose has first been used to effectively neutralise the matters listed in subs (1)(b)–(e)).¹⁴
14. Applying that approach to the FTAA, the relevant matters should first be individually assessed, uninfluenced by the purpose of the FTAA, “before standing back and conducting an overall balancing” where the purpose of the FTAA is to be given greatest weight.¹⁵ It would be an error of law to use the purpose of the FTAA to eliminate or reduce individual assessment of the other specified mandatory relevant considerations.¹⁶

¹⁴ *Enterprise Miramar Peninsula Inc.*, at [53].

¹⁵ *Enterprise Miramar Peninsula Inc.*, at [52]. Note that the FTTA does not take the same cascading hierarchy of “greater to lesser” weight, but only that the “greatest weight” be given to the purpose.

¹⁶ *Enterprise Miramar Peninsula Inc.*, at [55]–[59].

Appendix D: Revised Lizard Management Plan (8 October 2025)